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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA  
11

12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 v.  
15 HECTOR CIRINO,  
16 Defendant.  
17

Case No. 2:03-cr-00176-JCM-1

**Stipulation to Continue Government's  
Deadline to File a Response to  
Defendant's Motion for Order  
Reducing Sentence to Time Served and  
Modifying Judgment Under 18 U.S.C.  
§ 3582(c)(1)(A)(i) (ECF 223)  
(Second Request)**

18  
19 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.  
20 Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States  
21 Attorney, counsel for the United States of America, and Aden Kahssai, Assistant  
22 Federal Public Defender, counsel for Hector Cirino ("Cirino"), that the government's  
23 time to respond to the defendant's Motion for Order Reducing Sentence to Time Served  
24 and Modifying Judgment Under 18 U.S.C. § 3582(c)(1)(A)(i) (ECF 223) Motion shall be  
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1 extended to and including March 12, 2024, and the defendant's time to file a reply shall  
2 be extended to and including March 19, 2024, for the following reasons:

3         1. In October 2023, the 9<sup>th</sup> Circuit Court of Appeals vacated this Court's  
4 order denying Cirino's request for compassionate release and remanded the case,  
5 instructing that non-retroactive changes in sentencing law could be considered an  
6 extraordinary and compelling reason for granting a sentencing reduction. ECF 217.

7  
8         2. Defense counsel received two extensions of time for the defendant to file  
9 his supplemental motion. ECF 218 and 221.

10         3. On or about January 22, 2024, Cirino filed his motion, (ECF 223), along  
11 with approximately 233 pages of Cirino's medical records (ECF 225).

12  
13         4. Government counsel needs additional time to review the motion, the  
14 medical records, and other relevant records, conduct any necessary follow up  
15 investigation, and to research and draft an appropriate response. Government counsel is  
16 out of the district the last week of February.

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18         5. The defendant is in BOP custody and does not object to the government's  
19 request. The parties agree to the extension of time.

20         6. This is the fourth request to extend the filing deadlines relating to the  
21 defendant's compassionate release request, but it is the government second extension  
22 lengthening its time to file a responsive pleading. The parties have agreed that the  
23 government shall have up to and including March 12, 2024, in which to file its response.  
24 The additional time requested herein is not sought for purposes of delay, but merely to  
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1 allow the government sufficient time to file its response. The defendant will have seven  
2 days to file any reply, that is, to and including March 19, 2024.

3 DATED this 16th day of February 2024.

4 RENE VALLADARES  
5 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

6  
7 By /s/ Aden Kahssai  
8 ADEN KAHSSAI  
9 Assistant Federal Public Defender  
Counsel for Hector Cirino

*/s/ Kimberly M. Frayn*  
By \_\_\_\_\_  
KIMBERLY M. FRAYN  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4

5 Plaintiff,

6 v.

7 HECTOR CIRINO,

8 Defendant.

Case No. 2:03-cr-00176-JCM-1

**Findings of Fact, Conclusions of Law  
and ORDER**

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore,  
12 the Court finds that:

13 1. In October 2023, the 9<sup>th</sup> Circuit Court of Appeals vacated this Court's  
14 order denying Cirino's request for compassionate release and remanded the case,  
15 instructing that non-retroactive changes in sentencing law could be considered an  
16 extraordinary and compelling reason for granting a sentencing reduction. ECF 217.

17 2. Defense counsel received two extensions of time for the defendant to file  
18 his supplemental motion. ECF 218 and 221.

19 3. On or about January 22, 2024, Cirino filed his motion, (ECF 223), along  
20 with approximately 233 pages of Cirino's medical records (ECF 225).

21 4. Government counsel needs additional time to review the motion, the  
22 medical records, and other relevant records, conduct any necessary follow up  
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1 investigation, and to research and draft an appropriate response. Government counsel is  
2 out of the district the last week of February.


3 5. The defendant is in BOP custody and does not object to the government's  
4 request. The parties agree to the extension of time.  
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6 6. This is the fourth request to extend the filing deadlines relating to the  
7 defendant's compassionate release request, but it is the government second extension  
8 lengthening its time to file a responsive pleading. The parties have agreed that the  
9 government shall have up to and including March 12, 2024, in which to file its response.  
10 The additional time requested herein is not sought for purposes of delay, but merely to  
11 allow the government sufficient time to file its response. The defendant will have seven  
12 days to file any reply, that is, to and including March 19, 2024.  
13

14 **ORDER**

15 THEREFORE, IT IS HEREBY ORDERED that the government shall have up  
16 to and including March 12, 2024, in which to file its response to Cirino's motion for  
17 compassionate release (ECF 223 and 225). The defendant shall have to and including  
18 March 19, 2024, to file any reply.  
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20 DATED February 20, 2024.

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23 HONORABLE JAMES C. MAHAN  
24 United States District Judge  
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